

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION**

In re:

DALE D. GOLDSCHLAG,

Debtor.

Case No. 24-10297 (PB)

Chapter 11

**VELOCITY’S RESPONSE TO DEBTOR’S OBJECTIONS
TO DISALLOW AND EXPUNGE CLAIM NOS. 22 AND 26**

Velocity Commercial Capital Loan Trust 2019-2 and Velocity Commercial Capital Loan Trust 2019-3 (collectively, “Velocity”), through undersigned counsel, submits this Response to Debtor’s Objection to Disallow and Expunge Claim Number 22 [Dkt. No. 102] and Debtor’s Objection to Disallow and Expunge Claim Number 26 (the “Motion”) [Dkt. No. 104] (collectively, the “Claims Objections”). In support of the Response, Velocity respectfully represents the following:

LEGAL ARGUMENT

1. Debtor falsely states in the Claims Objections that he owes no debt to Velocity:
 - (i) “never agreed to repay the amounts Velocity loaned 321 Main and is not a party to or *guarantor under the loan*.” *See* Claim Objection, ¶ 11 (emphasis added) [Dkt. No. 102]; and
 - (ii) “is not a party to, or *guarantor of, the loan*, and therefore never agreed to repay the amounts Velocity loaned Stickney.” *See* Claim Objection, ¶ 12 (emphasis added) [Dkt. No. 104].
2. Debtor double-downed on his false representations stating again erroneously that he owed no debt to Velocity in his Responses to Velocity’s stay relief motions. *See* Response to Motion for Order Pursuant to Section 362(d) of the Bankruptcy Code Granting Relief From Automatic Stay [Dkt. No. 109] and Response to Motion for Order Pursuant to Section 362(d) of the Bankruptcy Code Granting Relief From Automatic Stay [Dkt. No. 110].

3. Contrary to the Debtor's multiple fact misrepresentations, Mr. Goldschlag signed and delivered absolute, unconditional and irrevocable guarantees of full payment of the mortgage debts incurred by his closely-held corporate borrowers. *See* Reply to Debtor's Responses to Stay Relief Motions (the "Reply") [Dkt. No. 111] (attaching copies of the Debtor's Unlimited Guaranties).

4. Velocity requested that the Debtor voluntarily withdraw his claims objections in the Reply, as well as via email to Debtor's counsel on October 15, 2024. Velocity received no response. Despite the Court admonishing Debtor's counsel for filing pleadings with fact misrepresentations at the October 10, 2024 hearing, Debtor has still not withdrawn the Claim Objections.

WHEREFORE, Velocity respectfully requests that this Court issue an Order (i) denying Debtor's Objections to Velocity Claim Nos. 22 and 26, (ii) allowing Claim Nos. 22 and 26 in their full amount as unsecured claims, (iii) awarding Velocity reasonable attorney's fees for being forced to file and prosecute the Response; and (iv) granting such other relief as the Court deems just and proper.

Dated: November 4, 2024

By: /s/ Andrew Kamensky

Andrew Kamensky, NYBN AK8491

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*Attorneys for Velocity Commercial Capital Loan Trust 2019-2
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing in the above captioned case was this day served upon the below named persons by either United States Mail or Electronic Mail at the addresses shown below:

VIA U.S. MAIL:

Dale D Goldschlag
240 Riverside Boulevard, Apt 17B
New York, NY 10069

VIA CM/ECF:

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United States Trustee
Office of the United States Trustee - NY
Alexander Hamilton Custom House
One Bowling Green, Room 534
New York, NY 10004-1408

Dated: November 4, 2024

Respectfully submitted,

By: /s/ Andrew Kamensky
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2019-3*